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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/840,095 | 04/24/2001 | Renato Caretta | 7040.0023.01 | 5968 |
| 22852 | 7590 | 06/14/2005 | EXAMINER | |
| FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER LLP 901 NEW YORK AVENUE, NW WASHINGTON, DC 20001-4413 | | | KNABLE, GEOFFREY L | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 1733 | |

DATE MAILED: 06/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/840,095

Applicant(s)

CARETTA ET AL.

Examiner

Geoffrey L. Knable

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 March 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 27-91 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 27-41, 43-70 and 72-91 is/are rejected.
- 7) ☒ Claim(s) 42 and 71 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

2. Claims 27, 30-34, 38, 40, 41, 45-56, 59-63, 67, 69, 70 and 74-91 are rejected under 35 U.S.C. 103(a) as being unpatentable over FR 384,231 taken in view of Herbelleau et al. (US 5,660,656) and/or Drakeford et al. (US 3,072,171) and optionally further in view of at least one of Frazier (US 3,240,250), Markow (US 4,673,014) and Hayashi et al. (US 5,529,105).

These references are applied herein for the same reasons set forth in the last office action. As to new claim 91, the references are applied against this claim for substantially the same reasons applied against the other independent claims, it being noted that FR '231 suggests depositing further strip lengths in side by side relationship at the crown as claimed. The previous rejection of claims 42 and 71 has however been withdrawn in view of the amendments to these claims as will be noted below.

3. Claims 28, 29, 39, 43-44, 57, 58, 68 and 72-73 are rejected under 35 U.S.C. 103(a) as being unpatentable over FR 384,231 taken in view of Herbelleau et al. (US 5,660,656) and/or Drakeford et al. (US 3,072,171) and optionally further in view of at least one of Frazier (US 3,240,250), Markow (US 4,673,014) and Hayashi et al. (US 5,529,105) as applied to claims 27, 30-34, 38, 40, 41, 45-56, 59-63, 67, 69, 70 and 74-91 above, and further in view of Alderfer (US 3,826,297) as applied in the last office action.

4. Claims 42 and 71 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Although FR '231 suggests plural carcass layers, the specific teaching therein is that the longitudinal fibers of all the strips are oriented in the same manner/radially and thus it teaches away from providing the thread elements of the second carcass ply to be disposed according to a crossed orientation relative to the thread elements of the first carcass ply. Further, although providing the cords in adjacent radial carcass plies at opposite small and crossed angles (i.e rather than all straight radial) in general is well known in this art in the context of a more standard carcass construction, to provide such a configuration in the context of the specific and atypical FR '231 construction/method would represent a fundamental and unobvious alteration of the basic teachings of the reference.

5. Applicant's arguments filed March 18, 2005 have been fully considered but they are not persuasive.

Applicant first points out that "each" strip length must have a crown and "two" side portions and transition regions whereas the linings "h" of FR '231 cannot meet this requirement. This argument has been carefully considered but is unpersuasive. While the strips "h" would not have two side parts, etc., the strips "a" in FR '231 clearly do have the required two portions, etc. as claimed and nothing in the present claims excludes the presence of additional linings "h". In other words, the claims simply define

what the carcass, and in fact what each strip length, "comprises" - this does not in any way exclude the presence of linings.

It is also argued that the linings "h" prevent the strips from abutting uniformly anywhere but "in the immediate vicinity of the equatorial plane" and "not along their entire crown portions." Several drawing figures are also presented in support thereof. This argument has been carefully considered but is unpersuasive principally for the reasons set forth in the last office action. As detailed in the last office action, FR '231 desires a **flat** rolling surface and in fact specifically indicates that the linings h end short so that this flat surface can be achieved – this is in fact illustrated in fig. 4-5. As such, it is not considered that these linings would prevent the sections abutting in the crown as claimed. With respect to the figures provided by applicant, it would seem from the drawing "A" provided by applicant that it is admitted that there might be uniform abutting between what is marked as regions "T", it apparently being applicant's position that such an extent is only in the vicinity of the equatorial plane and therefore not the entire crown region as claimed. However, even if it were considered that the provided figures accurately represent the reference teachings (it being noted that it is not clear that they do esp. in view of fig. 5 which seems to show a larger flat area by virtue of the short linings "h"), there does not seem to be any requirement in the claim that would define over the claimed "entire crown region" as being a relatively small region - in other words, applicant seems to be arguing that the claims require a larger flat area whereas it is not seen that anything defines over simply defining that part of the region where abutment occurs in the reference as being the "crown region" surrounded on both sides

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by a "transition" region as claimed. In other words, there is not considered to be anything in the drawings provided by applicant that is inconsistent with the present claims.

The argument that the figures of FR '231 do not show the beads/sides having twice the thickness of "all of the rolling band j" is noted. Again, however, it is considered to be reasonable to term that part of the tire carcass in which the strips are abutting (and linings are not present) as being "crown" - whether or not this is the entire "rolling band" width would not seem to be necessarily important in assessing applicability to the present claims - there is no requirement that the "crown" be the same width as the "rolling band" - again, the crown can be simply defined as that part of the carcass where the adjacent strip edges abut (which would also be the radially outward most part of the carcass).

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Geoffrey L. Knable whose telephone number is 571-272-1220. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Blaine Copenheaver can be reached on 571-272-1156. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Geoffrey L. Knable
Primary Examiner
Art Unit 1733

G. Knable
June 12, 2005